

REMARKS

The present amendment is in response to the Office Action dated August 26, 2004 in which the Examiner rejects all pending claims 1-20, which included 8 independent claims. By the present amendment, claims 1-20 are canceled and new claims 21-40 are added which includes independent claims 21, 25, 27, 30, 34, 37, 38, 39, for a total of 20 pending claims with 8 independent claims. Reconsideration and allowance of the pending claims in view of the amendments and the following remarks are respectfully requested.

A. Drawings

Applicant submits herewith two (2) sheets of formal drawing as required by the Examiner in paragraph 1 on page 2 of the Office Action.

B. Rejections of Independent Claims Under 35 U.S.C. §102(b)

The Examiner rejects a number of the now cancelled independent claims under 35 U.S.C. §102(b) as being anticipated by one of the DeLuca patent (U.S. Patent No. 4,879,758) and the Robin Patent (U.S. Patent No. 5,745,848). In response, Applicant submits new independent claims 21, 25, 27, 30, 34, 37, 38, 39, and claims dependent thereupon to correct a number of antecedent basis errors of the original claims and in order to clarify the method and device of the claimed invention. Applicant respectfully traverses the Examiner's rejections as discussed below.

To anticipate a claim under 35 U.S.C. sections 102(a), (b), or (e), the reference must teach every element of the claim. (See MPEP 2131.) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis added) (Verdegaal Bros. v. Union Oil Co. of California; see also MPEP 2131.) "The identical invention must be shown in as complete detail as is contained in the ... claim." (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); see

also MPEP 2131) Further any claim depending from base claims not anticipated or made obvious by the prior art also are not anticipated or made obvious by the prior art since the dependent claims comprise all of the elements of the base claims.

Applicant asserts that the DeLuca and the Robin patents do not teach every element of the new independent claims, and thus, these independent claims, and the claims dependent thereupon, are patentable over the DeLuca and Robin patents as discussed below.

Summary of the Deluca Patent (US 4,879,758).

Deluca discloses a paging receiver for minimizing spurious interference signals in the radio frequency stages and the intermediate frequency stages. (Abstract, Figure 2) Specifically, Deluca discloses that paging receivers typically operated in a frequency range from 35 MHz to 900 MHz in which several intermediate frequencies may be selected to design the receiver. (See Column 1, lines 28-29, Column 4, lines 3-40. column 12, lines 6-7) Deluca changes the operating clock frequency in response to a change in the carrier frequency. *In contrast, Applicant claims methods and devices for reducing spurious signals in a plurality of frequency ranges by changing operating clock frequencies for different modes of operation.* For example, the center frequency for a CDMA mode is approximately 1900 MHz and for an AMPS mode is approximately 900MHz. (See Applicant's disclosure, paragraphs 24-25) Thus, Applicant is not changing operating clock frequency for a change in a center frequency of a passband frequency range, but rather is changing the operating clock frequency upon a change of mode. Deluca discloses a selectable operating clock depending on the carrier frequency of a single passband range, i.e., 35 MHz to 900MHz.

Summary of the Robin Patent (US 5,745,848).

Robin discloses a system clock signal on lines 140 and 141 that synchronizes operation of logic circuitry of controller 114 and user interface 118. (See Fig. 1, and

Column 3 lines 29-34.) The system clock signal 140 to the controller is shifted if the controller 114 determines that the next downlink channel is susceptible to spurious signals of the system clock signal 140. (Column 4, Lines 34-38.) Robin discloses that a GSM system operates in synchronization with the communication device 102 according to a timing format illustrated in Figure 3. (See Column 4, lines 36-39.) The clock shift occurs at Timeframe 0, the receive timeslot. (See Column 6, lines 23-24.) *Then, in contrast to Applicant's method and system, the system clock is unshifted at the conclusion of timeslot 0 to minimize timing error.* (Column 6, line 54 through Column 7, line 1. See also Figure 2 and Figure 4.) To minimize the accumulation of timing error and loss of synchronization, the controller 114 compensates for the amount of time that the system clock signal 140 was shifted. (Column 7, lines 14-17.) The Robin patent devotes Columns 5, 6, 7, 8 and 9 to the timing issues of the system clock. *In contrast, Applicant claims maintaining the system clock at the selected frequency.* Thus, the Robin Patent teaches away from all of Applicant's independent claims in which Applicant's system clock remains shifted, i.e., is maintained, until the downlink channel is changed.

1. Independent claim 21, and dependent claims 22-24.

Applicant respectfully asserts DeLuca and Robin do not teach or suggest each and every element of claim 21. Specifically, claim 21 comprises, among other things,

"operating a processor in the first mode of operation at a first processor clock frequency of a plurality of processor clock frequencies; switching operation of the transceiver to a second mode of operation comprising the analog mode and the digital mode; maintaining operation of the processor with the selected second processor clock frequency during the operation of the transceiver in the second mode of operation and at the selected second passband frequency range."

DeLuca neither teaches nor suggest a transceiver, which transceiver is capable of operating at selectable modes in corresponding frequency ranges. *Rather, Deluca teaches a receiver operating in a single frequency range.* Further, Robin does not teach or suggest maintaining operation of the processor with a selected clock frequency. Rather, Robin teaches minimizing timing errors by shifting the clock back to the original clock frequency.

Since DeLuca and Robin, alone or in combination, neither teach nor suggest each and every element of claim 21, claim 21 is not anticipated under 35 U.S.C. §102(b) by these references. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for independent claim 21 and dependent claims 22 through 24.

2. Independent claim 25, and dependent claim 26.

Applicant respectfully asserts DeLuca and Robin do not teach or suggest each and every element of claim 25. Specifically, claim 25 comprises, among other things,

"generating a second transceiver carrier frequency for the
passband of the second operation mode;
changing the first clock frequency to a second clock frequency with
a plurality of second harmonic frequencies so that none of the second
harmonic frequencies are substantially equal to the second transceiver
carrier frequency; and
maintaining the second clock frequency for operating the at least
one circuit as long as the passband uses the second transceiver carrier
frequency."

Similar to the above discussed claim, claim 25 comprises a transceiver operating at a first and second operation mode, and changing the clock frequency accordingly.

DeLuca neither teaches nor suggest a transceiver, which transceiver is capable of operating at selectable modes in corresponding frequency ranges. Further, Robin does

not teach or suggest maintaining operation of the processor with a selected clock frequency.

Since DeLuca and Robin, alone or in combination, neither teach nor suggest each and every element of claim 25, claim 25 is not anticipated under 35 U.S.C. §102(b) by these references. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for independent claim 25 and dependent claim 26.

3. Independent claim 27, and dependent claims 28-29.

Applicant respectfully asserts DeLuca and Robin do not teach or suggest each and every element of claim 27. Specifically, claim 27 comprises, among other things,

"changing the carrier frequency to a second carrier frequency for a second communication passband for a second operation mode of the plurality of operation modes, wherein the second carrier frequency is substantially equal to a harmonic frequency of the plurality of harmonic frequencies; and

maintaining the new clock frequency for driving the processor circuit as long as the second carrier frequency is utilized."

DeLuca changes clock frequency in response to a change in carrier frequency. In contrast, Applicant claims changing the carrier frequency in response to a change in an operation mode a second communication passband. Also in contrast to Robin, Applicant claims maintaining the new clock frequency as long as the second carrier frequency is utilized.

Since DeLuca and Robin, alone or in combination, neither teach nor suggest each and every element of claim 27, claim 27 is not anticipated under 35 U.S.C. §102(b) by these references. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for independent claim 27 and dependent claims 28 and 29.

4. Independent claim 30, and dependent claims 31-33.

Applicant respectfully asserts DeLuca and Robin do not teach or suggest each and every element of claim 30. Specifically, claim 30 comprises, among other things,

"a transceiver for transceiving a first communication passband of a plurality of selectable communication passbands corresponding to the first operation mode, the transceiver then transceiving a second communication passband of the plurality of selectable communication passbands in response to a second operation mode received at a transceiver input connected to the command selection output of the microprocessor, the first set of harmonic frequencies interfering with the second communication passband;

wherein the microprocessor selects a second frequency clock having a second set of harmonic frequencies that do not interfere with the second communication passband; and

wherein the second frequency clock is maintained on the reference frequency input as long as the second communication passband is selected."

DeLuca and Robin alone or in combination neither teach nor suggest a transceiver operating at a first and second operation mode and selecting a frequency clock corresponding to the operation mode, and maintaining the clock on the reference frequency as long as the transceiver operates in the second mode.

Since DeLuca and Robin, alone or in combination, neither teach nor suggest each and every element of claim 30, claim 30 is not anticipated under 35 U.S.C. §102(b) by these references. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for independent claim 30 and dependent claims 31 through 33.

5. Independent claim 34, and dependent claims 35-36.

Applicant respectfully asserts DeLuca and Robin do not teach or suggest each and every element of claim 34. Specifically, claim 34 comprises, among other things,

"operating a transceiver in a first mode of operation at a first passband frequency range of a plurality of selectable passband frequency ranges;

operating a logic device at a first clock frequency of a plurality of clock frequencies;

maintaining operation of the logic device with the selected second clock frequency during the operation of the transceiver in the second mode of operation."

DeLuca and Robin alone or in combination neither teach nor suggest a transceiver operating at a first mode of operation, and then operating at a second mode of operation mode, then selecting a clock frequency corresponding to the second mode of operation, and maintaining the operation of the logic device at the second clock frequency.

Since DeLuca and Robin, alone or in combination, neither teach nor suggest each and every element of claim 34, claim 34 is not anticipated under 35 U.S.C. §102(b) by these references. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for independent claim 34 and dependent claims 35 and 36.

6. Independent claim 37.

Applicant respectfully asserts DeLuca and Robin do not teach or suggest each and every element of claim 37. Specifically, claim 37 comprises, among other things,

"a transceiver operating in a CDMA mode having a first passband frequency range;

mode selection means for selecting an AMPS mode having a second passband frequency range;

processing means for determining a second clock frequency that produces no substantial spurious signals in the second passband frequency range, and;

clock control means maintaining the clock at the second clock frequency as long as the transceiver continues to operate in the AMPS mode."

DeLuca changes clock frequency in response to a change in carrier frequency, whereas Applicant claims changing the clock frequency in response to a change from a CDMA mode to an AMPS mode. Also in contrast to Robin, Applicant claims a clock control means for maintaining the clock at the second clock frequency as long as the transceiver operates in the AMPS mode.

Since DeLuca and Robin, alone or in combination, neither teach nor suggest each and every element of claim 37, claim 37 is not anticipated under 35 U.S.C. §102(b) by these references. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for independent claim 37.

7. Independent claim 38.

Applicant respectfully asserts DeLuca and Robin do not teach or suggest each and every element of claim 38. Specifically, claim 38 comprises, among other things,

" a transceiver utilizing a carrier frequency for sending and receiving electromagnetic signals in an analog mode of operation;

a processor comprising:

carrier frequency control means for changing the carrier frequency to a second carrier frequency corresponding to a digital mode of operation, wherein the second carrier frequency is substantially equal to one harmonic frequency of the first plurality of harmonic frequencies; and

clock control means for changing the first frequency to a second frequency having the plurality of harmonics at a second plurality of harmonic frequencies, wherein the second plurality of harmonic frequencies are not substantially equal to the second carrier frequency, the clock control means

maintaining the second frequency until the carrier frequency control means changes the second carrier frequency to correspond to a new mode of operation."

Applicant claims a transceiver operating in one of a digital mode, and analog mode and a new mode and changing the clock frequency accordingly to avoid harmonic frequency interference. The second clock frequency is maintained as the operating clock until a new mode of operation is selected. As discussed above, Robin and DeLuce do not teach or suggest each and every one of these claimed elements. Thus, claim 37 is not anticipated under 35 U.S.C. §102(b) by these references, and Applicant respectfully requests that the Examiner issue a notice of allowance for independent claim 38.

8. Independent claim 39, and dependent claim 40.

Applicant respectfully asserts DeLuca and Robin do not teach or suggest each and every element of claim 34. Specifically, claim 34 comprises, among other things,

"a transceiver clock circuit for generating a first passband frequency and a second passband frequency of the plurality of passband frequencies, the first passband frequency corresponding to a first operational mode and the second passband frequency corresponding to a second operational mode of the plurality of operational modes;

processing means for determining whether the first operating frequency produces interfering harmonic frequencies that interfere with the second passband frequency, for outputting a clock selection on the clock selection output for selecting a non-interfering operating frequency of the plurality of operating frequencies, for maintaining the selection of the non-interfering operating frequency on the clock selection output as long as the second operational mode remains selected."

DeLuca changes clock frequency in response to a change in carrier frequency, whereas Applicant claims selecting a non-interfering operating frequency in response to a change from a first operational mode to a second operational mode. Also in contrast to Robin, Applicant claims the processing means for maintaining the non-interfering operating frequency as long as the second operational mode remains selected.

Since DeLuca and Robin, alone or in combination, neither teach nor suggest each and every element of claim 39, claim 39 is not anticipated under 35 U.S.C. §102(b) by these references. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for independent claim 39 and dependent claim 40.

C. Rejections of Independent Claims Under 35 U.S.C. §103(a)

In paragraphs 5 and 6 of the Office Action, the Examiner rejects a number of claims under 35 U.S.C. §103(a) as being unpatentable over Robin (US 5,745,848) and/or as being unpatentable over DeLuca (US 4,879,758) in view of Robin (US 5,745,848). Based upon the above discussion of the claims, Applicant asserts that the independent claims now are patentably distinguishable over the DeLuca and Robin patents, and, as such, the claims depending therefrom are, a fortiori, also patentably distinguishable. Since DeLuca and Robin, alone or in combination, do not teach nor suggest all of the limitations of the independent claims, Applicant respectfully requests that the Examiner withdraw rejections under 35 U.S.C. §103(a) and issue a notice of allowance for the independent claims and the claims dependent thereupon.

D. Conclusion

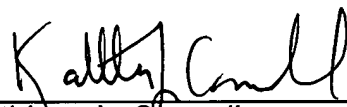
Applicant asserts that claims 21-40 are patentable over DeLuca and Robin as discussed above. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for all of the pending claims.

Should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues, he is invited to telephone the attorney for Applicant at the telephone number listed below.

Respectfully submitted,

Dated: December 27, 2004

By: _____


Kathleen L. Connell
Attorney for Applicant
Registration No. 45,344

KYOCERA WIRELESS CORP.
10300 Campus Point Drive
San Diego, California 92121
Direct Dial: (858) 882-2169
Direct Fax: (858) 882-2485
Attorney Docket No.: UTL 00172

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date of Deposit: December 27, 2004

Shelley M. Callagy

Name of Person Mailing Paper and/or Fee

Signature

